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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/827,360

04/04/2001

Richard K. Tam

M-9127 US

3920

24251 7590 12/10/2004

SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110

EXAMINER

ROSEN, NICHOLAS D

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

DEC 28 2004

GROUP 3600

Notice of Abandonment

Application No.

09/827,360

Examiner

Nicholas D. Rosen

Applicant(s)

TAM ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 21 May 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

See Continuation Sheet

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

12/8/2004

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: Efforts were made to contact the responsible attorney. On December 2, 2004, I called 415-983-1000, the telephone number for Customer #24251, and spoke with William McKinney, who told me to that he had referred the matter to Russell Duncan at 650-233-4500; I left a message for him. This led to a call from Diana Dearing at the law firm, who suggested calling the client at 402-323-7800. I did that on December 3, and found myself voicemail Hades, unable even to leave a general message. Then I spoke with attorney David Hsia at 408-382-0480, who told me that he didn't have the case, and directed me to the firm of Morrison and Foerster. I called them at 650-813-5600, and was connected to Suzanne Graeser, an attorney but not a patent attorney, who left a message for patent attorney Amie Peters. On December 6, I called 650-813-5882, and left a message of my own for Ms. Peters. On December 7, 2004, Mr. Michael timmins, representing the assignee, iUniverse, called me and confirmed that no response had been made to the Office Action of May 21, 2004. I provided some information about possibly petitioning to revive, but for now, the case is abandoned.